IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1213 OF 2007

Ichalkaranji Urban Co-op.Bank ltd..... Petitioner

versus

Sou.Sushma Rajendra Mali & ors..... Respondent.

Shri A.B.Borkar for the petitioner
Mr. A.A. Kumbhakoni i/b A.M.Kulkarni for the respondent no.1.
Mr. R.M.Patne AGP for Respondents 2 to 4.

CORAM; A.P. DESHPANDE, J.
DATED; 25TH OCTOBER, 2007

P.C.;

1. Rule. Rule made returnable forthwith. Taken up for final hearing by consent of parties.

2. By this petition, the petitioner bank takes an exception to an order passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur passed in Revision Application No.180/06. The said revision was filed by the respondent no.1 calling in question the order passed by the Special Recovery Officer under Rule 107 of the Co-operative Societies Rules of 1961. Revision has been partly allowed and after setting aside the order passed by the Special Recovery Officer, the revisional authority has remanded the matter to the Special Recovery

Officer for a denovo adjudication of the objection raised by the resposndent no.1 that too, after the decision on a pending RTS appeal preferred by the petitioner bank. Having realised that the pendency of RTS appeal which pertains to mutation entry of revenue record, has no bearing on the question raised in the revision, both the learned counsel appearing for respective parties agree that the impugned order dated 4-1-2007 passed by the Divisional Joint Registrar, Co-operative Societies be quashed and set aside and the revisional Authority beirected to decide the revision on merit. As the learned advocates are in agreemet for following the course to be adopted without recording reasons, the writ petition is allowed. Impugned order dated 4-1-2007 passed by Divisional Joint Registrar is quashed and set aside. The Divisional Joint Registrar shall re-hear the revision after affording reasonsable opportunity to the parties ofeing heard on merit and in accordance with the law. Rule made absolute in the above terms.

3. The learned counsel for the petitioner makes a statement that for a period of four weeks the petitioner shall not evict the respondent no.1 frome possession of the residential house. In view of this statement, no orders in that regard is necessary to pass.

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